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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,679	02/25/2000	Maria Adamczyk	36968/187944	7534

30314 7590 02/14/2003

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,679

Applicant(s)

ADAMCZYK ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 6-12, 14-20 and 22-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Malik, U.S. Patent No. 6301349 (hereinafter Malik).

Regarding claim 1, Malik discloses with respect to a communication (see Figure 6) from a caller (24e) to a subscriber's directory number (24d) where the communication has been terminated (step A) to a voice mail system (36) (VMS) serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number (24d), a method for transferring

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the communication (step C) from the VMS (36) so the VMS is no longer involved in the communication, the method comprising:

receiving a message indicating a release of the communication by the VMS (step C), the message also indicating at least an action to be taken with respect to the communication (col. 11, lines 60-67); and

directing that the action be taken with respect to the communication (col. 12, lines 1-12), whereby the communication, which had been terminated to the VMS, is released from the VMS and is acted upon without further involvement of the VMS with the communication. The call is released from VMS (36) because after step C, the VMS is no longer involved with the communication.

Regarding claim 2, Malik discloses the message comprises the subscriber's directory number (directory number designated by the subscriber and to which a voice mail service is applied 24d) and a different directory number (VMS directory number 25) (col. 11, lines 60-66);

wherein the type of action comprises a transfer of communication (col. 12, lines 46-49);

wherein action B comprises directing the communication be transferred to the subscriber's directory number (step F);

and further comprising:

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in response to directing the communication to be transferred to the subscriber's directory number, receiving a query with respect to the communication (step G);

in response to the query, causing the communication to be transferred to the different directory number (step I).

Regarding claim 3, Malik discloses causing the communication to be transferred to the different directory number comprises providing instructions to cause the communication to be transferred to the different directory number (step H); and

wherein the instructions also comprise a request to generate a billing record with respect to the communication (col. 13, line 61).

Regarding claim 4, see col. 12, lines 45-60.

Regarding claim 6, Malik discloses with respect to a communication (see Figure 6) from a caller (24e) to a subscriber's directory number (24d) where the communication has been terminated (step A) to a voice mail system (36) (VMS) serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number (24d), a system for transferring the communication (step C) from the VMS (36) so the VMS is no longer involved in the communication, the system comprising:

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a service switching point (22b) operative to receive a message indicating a release of the communication by the VMS (step C), the message also indicating at least an action to be taken with respect to the communication, and the SSP also operative to provide the message (step D) to a service control point (27); and

the SCP operative, in response to receipt of the message from the SSP, to direct that the action be taken with respect to the communication (step E),

whereby the communication, which had been terminated to the VMS, is released from the VMS and is acted upon without further involvement of the VMS with the communication. The call is released from VMS (36) because after step C, the VMS is no longer involved with the communication.

Regarding claim 7, the message comprises the subscriber's directory number and a different directory number (col. 11, lines 60-66);

wherein the action comprises a transfer of the communication (col. 12, lines 46-49);

wherein the SCP is also operative to direct the communication to be transferred to the subscriber's directory number as the action (step E).

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Regarding claim 8, Malik discloses the SCP is further operative to direct the SSP to route the communication to the subscriber's directory number (step E) and wherein the SSP is operative to route the communication to the subscriber's directory number (step F).

Regarding claim 9, see steps F, G, H and I.

Regarding claim 10, see steps H, I and J.

Regarding claim 11, see col. 13, line 61.

Claim 12 is rejected for the same reasons as claim 4.

Regarding claim 14, Malik discloses with respect to a communication (see Figure 6) from a caller (24e) to a subscriber's directory number (24d) where the communication has been terminated (step A) to a voice mail system (36) (VMS) serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number (24d), a method for transferring the communication (step C) from the VMS (36) so the VMS is no longer involved in the communication, the method comprising:

receiving an indication of action to be taken with respect to the communication (step B); and

transmitting a message indicating a release of the communication, the message indicating the action to be taken with respect to the communication (step C),

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whereby the communication, which had been terminated to the VMS, is released from the VMS and is acted upon without further involvement of the VMS with the communication. The call is released from VMS (36) because after step C, the VMS is no longer involved with the communication.

Regarding claim 15, the action comprises an event allowing for the release of the communication because after step C, the VMS is no longer involved with the communication, hence the VMS is released from the communication.

Regarding claim 16, see Figure 5, step 42.

Regarding claim 17, see step C, Figure 6.

Regarding claim 18, see step C, Figure 6.

Claim 19 is rejected for the same reasons as claim 7.

Claim 20 is rejected for the same reasons claim 5.

Regarding claim 22, Malik discloses with respect to a communication (see Figure 6) from a caller (24e) to a subscriber's directory number (24d) where the communication has been terminated (step A) to a voice mail system (36) (VMS) serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number (24d), a VMS that acts on the communication so that the VMS is no longer involved with the communication, the VMS comprising:

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a receiver operative to receive an indication of action to be taken with respect to the communication (step B); and

a transmitter for transmitting a message indicating a release of the communication, the message indicating the action to be taken with respect to the communication (step C),

whereby the communication, what had been terminated to the VMS, is released from the VMS and acted upon further without involvement of the VMS with the communication. The call is released from VMS (36) because after step C, the VMS is no longer involved with the communication.

Regarding the claimed receiver and transmitter, because Malik discloses the VMS (36) receives and transmits to 22c the VMS contains the claimed receiver and transmitter.

Claim 23 is rejected for the same reasons as claim 15.

Claim 24 is rejected for the same reasons as claim 16.

Claim 25 is rejected for the same reasons as claim 24.

Claim 26 is rejected for the same reasons as claim 17.

Claim 27 is rejected for the same reasons as claim 19.

Claim 28 is rejected for the same reasons as claim 20.

3. Claims 1, 4, 5, 6, 12, 13, 14, 20, 21, 22, 28, 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wheeler, U.S. Patent No. 5583920 (hereinafter Wheeler).

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Regarding claim 1, Wheeler discloses with respect to a communication from a caller to a subscriber's directory number where the communication has been terminated to a voice mail system serving the subscriber instead of the communication having been terminated to terminating equipment associated with the subscriber's directory number, a method for transferring the communication from the VMS so the VMS is no longer involved in the communication, the method comprising receiving a message indicating a release of the communication by the VMS, the message also indicating at least an action to be taken with respect to the communication and directing that the action be taken with respect to the communication, whereby the communication, which had been terminated to the VMS, is released from the VMS and is acted upon without further involvement of the VMS with the communication (col. 32, lines 10-40).

Regarding claim 4, see col. 32, lines 10-40.

Regarding claim 5, see col. 32, lines 10-40.

Claim 6 is rejected for the same reasons as claim 1.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 14 is rejected for the same reasons as claim 6.

Claim 20 is rejected for the same reasons as claim 12.

Claim 21 is rejected for the same reasons as claim 13.

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Claim 22 is rejected for the same reasons as claim 14.

Claim 28 is rejected for the same reasons as claim 20.

Claim 29 is rejected for the same reasons as claim 21.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
February 5, 2003

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